STATE OF NEW YORK   UNITED STATES DISTRICT COURT SOUTHERN DISTRICT

DOCUMENTS SERVED WITH INDEX#: 08CIV.3370   AND FILED ON   4/4/2008

EDMOND MALONE INDIVIDUALLY AND ON BEHALF OF ALL OTHER INDIVIDUALS SIMILARLY SITUATED Vs. TRI STATE LLC, ET AL	Plaintiff(s)/Petitioner(s) Defendant(s)/Respondent(s)

STATE OF: NEW YORK   )
) **SS**
COUNTY OF WESTCHESTER   )

The undersigned deponent, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in the State of New York . On_____4/17/2008_____ at _____12:37PM_____, deponent did serve the within process as follows:

Process Served: SUMMONS AND COMPLAINT, INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; **

Party Served: GREGG PRATO   (herein called recipient)
                                                                                                  therein named.

At Location: 323 RAILROAD AVENUE   **Individual Practices of William C. Conner;
                                                                            and Individual Practices of Magistrate Judge
                  BEDFORD HILLS NY 10507   George A. Yanthis

By delivering to and leaving with ___PHILLIP THOMAS_____ a person of suitable age and discretion.
Said premises is recipient's ☑ actual place of business   ☐ dwelling house(usual place of abode) within the state.

On_____4/17/08____, deponent completed service by depositing a copy of the
       SUMMONS AND COMPLAINT, INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; (as above)

to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex	M	Color of Skin	WH	Color of Hair	GRAY
Age	58	Height	5'10"-6'	Weight	190
Other Features			SEATED		

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not

Sworn to before me on the ___4/17/2008___

Gail Williams (signature)   _Gary Williams_ (signature)

GAIL WILLIAMS   Gary Williams
Notary Public, State of New York   Server's License#:
No. 4665052
Qualified in Westchester County
Commission Expires September 30, 2010